

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

# MEMORANDUM AND ORDER

This matter is before the Court for review of plaintiff's complaint pursuant to 28 U.S.C. § 1915A. Under § 1915A, the Court is required to review the complaint and dismiss it if it is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant who is immune to such relief.

After reviewing the complaint, the Court believes that, although plaintiff may be able to assert claims against defendants based on the denial of his Constitutional rights, plaintiff has failed to state a claim upon which relief may be granted at this time, because the complaint is silent as to whether he is suing them in their official and/or individual capacities.

Taking into consideration the fact that plaintiff is proceeding pro se, the Court will instruct plaintiff to file a written supplement to his complaint, in which he states the capacity (i.e., official capacity, individual capacity, or both individual and official

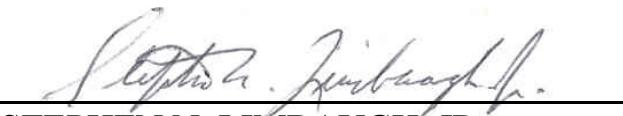
capacities) in which he is suing each of the named defendants. Moreover, because the Court is allowing plaintiff to supplement his complaint, it will take no action as to the named defendants at this time. Plaintiff is advised that he must sign the supplement to the complaint.

In accordance with the foregoing,

**IT IS HEREBY ORDERED** that plaintiff shall file a written supplement to his complaint within thirty (30) days from the date of this Order, stating whether he is suing the named defendants in their official and/or individual capacities, in accordance with the specific instructions set forth above.

**IT IS FURTHER ORDERED** that plaintiff's failure to supplement his complaint in accordance with this Court's instructions will result in the dismissal of this action, without prejudice and without further notice to him.

Dated this 10th day of June, 2013.



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STEPHEN N. LIMBAUGH, JR.  
UNITED STATES DISTRICT JUDGE